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Waller County backs off plan to limit early voting

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EXHIBIT

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Waller County commissioners have backed off a controversial plan that would have drastically limited where voters could cast ballots ahead of the March primary.

Commissioners reversed course one week after approving a proposal from the local Republican and Democratic party chairs to operate just two early-voting polling stations for the coming election. Neither would have been within walking distance of the historically black Prairie View A&M University campus, where students long have fought to participate in local elections.

The commissioners court last month bumped the number of polling sites up to, among other sites and times, a more typical six that would be open on the Thursday and Friday prior to the election, including one just beyond campus.

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Commissioners said they had no intent of disenfranchising the students, although some interpreted the first plan as having that effect.

"Waller County has a sordid history of intentionally attempting to prevent African-American citizens in the county from voting," civil rights attorney Chad Dunn said, adding that county election officials in the South long have justified such decisions with excuses of simplicity or cost-saving to make it harder for certain individuals to vote.

But these Waller County commissioners did address their error, Dunn continued, "which is progress."

In Bland's shadow

The controversy surfaced five months after the in-custody death of Sandra Bland, a 28-year-old black woman and Prairie View graduate, re-energized a conversation regarding race in the county and beyond.

Bland was pulled over for an illegal lane change on July 10, and arrested after she refused an order from a Department of Public Safety officer to put out a cigarette. She was found dead three days later in a Waller County jail cell, a death that authorities ruled a suicide. The DPS found that the officer violated the agency's courtesy policy during the stop and when he detained Bland. The Texas Commission on Jail Standards cited the jail for not complying with state standards regarding staff training and observation of potentially suicidal inmates, though a grand jury last month declined to indict any sheriff's office employees in the death.

Prairie View A&M is Texas' oldest historically black college that was supported by the state. With around 7,000 full-time students, a majority of whom are black, the school today represents a population that is at least as large - if not larger - than the city of Prairie View and the handful of other cities within the county's 500 square miles.

For decades, the campus community has fought for the right of students to vote.

In 2008, throngs of students protested their lack of access to a polling place when the county slashed the number of early-voting sites to one. (The Justice Department ultimately intervened.)

In 2013, the student government association president requested an on-campus ballot box from the secretary of state and county registrar. (County commissioners conceded.)

And yet, this history went unmentioned when, on Dec. 16, the major-party chairs brought their proposal before commissioners. With the county shaped like a backward "7," the two felt that having one polling place at the county courthouse in Hempstead, located toward the top, and another at the library or another nearby facility in Brookshire, located toward the bottom, open for two weeks would suffice.

Their plan was based on "common sense," county Democratic party chairman Ben Tibbs told commissioners at the time. He added that residents had expressed confusion in the past over when and where polling places were open.

"I'm an old man," county GOP chairman Wallace Koenning said. "Trying to keep up with that kind of stuff is kind of hard for me."

'What we think's best'

Commissioners lauded the chairs for coming to an agreement - a rare occurrence in their county, they exclaimed - and unanimously adopted their proposal, which they predicted might not sit well with some.

When one commissioner suggested that the proposal might face opposition of some kind, Tibbs remarked, "If they get mad at us, then, hey, they get mad at us. We're doing what we think's best for the county."

Mad they got. Speakers arrived at the next meeting furious.

Denise Mattox, president of the Waller County Democratic Club, said in a phone interview that she had been surprised and disappointed to hear of the original plan, which did not involve a polling place to which students could walk easily.

"This disenfranchised that same group again," she said.

'Overlooked' things

Mattox believes a polling place should be made available on the campus, just as one is available to students at the Texas A&M campus in College Station.

Election judge Gloria Marie Thompson said she thought a ballot box should be back on campus too, and that this was her reason for coming to speak.

"I fear that not having the box on the campus would stagnate participation," Thompson told the commissioners. "To me, it looks like a deterrence, and we would not want the perception to enter the students' minds nor (those of) any voters of Waller County."

Commissioners unanimously agreed to reverse course.

"I think what we have now is fair to everybody," said County Judge Trey Duhon, who was elected in 2014 along with two other new commissioners.

Tibbs, too, agreed that the change needed be made: "We were looking at a plan that we thought might be simpler, easier, but we overlooked some things, and I'm not above coming and saying I made a mistake."

The commissioners court adopted a version of the election administrator's original proposal to operate more polling stations over fewer days. One would be positioned at a church within walking distance of the university, because parking and accessibility issues were believed still to be barriers to non-students voting on campus. (On election day, the 19 polling sites will include the school's student center.)

"This is not a race issue," Elections Administrator Dan Teed said by phone. "Matter of fact, people gripe and complain to high heaven about having it on campus, like they complain about not having it."

Jeron Barnett, who represents Prairie View and is the only African-American on the five-member commissioners court, chided speakers at a meeting last month for implying the intent had been to target the school.

"I don't believe for one minute that anybody intentionally tried to prevent the students from voting, and I believe that you all know that in your hearts," he said. "Our vote up here was based on what was recommended by our party chairs ... and, yes, everybody is human, so now let us move forward."

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